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DAS  
Docket No.: 28079/41785  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Fischhoff et al.

Confirmation No.: 2627

Application No.: 08/434,105

Group Art Unit: 1638

Filed: May 3, 1995

Examiner: Anne R. Kubelik

For: **SYNTHETIC PLANT GENES AND METHOD  
FOR PREPARATION**

**PETITION TO EXPUNGE PAPERS FROM FILE  
PURSUANT TO 37 CFR 1.59 (MPEP 724.05)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The applicants hereby identify the following Documents filed as part of the accompanying Information Disclosure Statement ("IDS", copy of transmittal letter and complete list of documents attached hereto) as the subject of this conditional petition to expunge pursuant to 37 C.F.R. §1.59.

Litigation	Documents Subject to Protective Order
(1) <u>Mycogen Corp. v. Monsanto Co.</u> , 1:04-CV-0573 DFH-WTL, U.S. District Court for the Southern District of Indiana, filed March 30, 2004.	C4 - C13.
(2) <u>Monsanto Co. v. Mycogen Plant Science, Inc.</u> , 96-133-RRM, U.S. District Court for the District of Delaware, filed March 19, 1996.	C18 - C24; C32 - C33; C38 - C40; C42 - C44; C51-C55; C156 - C170.
(3) <u>Mycogen Plant Science, Inc. v. Monsanto Co.</u> , 950653J (LSP), U.S. District Court for the Southern District of California, filed May 19, 1995.	C173; C191- C194.
(4) <u>Mycogen Plant Science, Inc. v. Monsanto Co. et al.</u> , 96-505-RRM, U.S. District Court for the District of Delaware, filed October 22, 1996.	C198-C202; C208-C211; C214-C225; C228-C232; C305.

The Documents to be expunged, listed in the table above, are subject to one or more protective orders, as explained in the IDS, and have not otherwise been made public.

The Applicants commit to retain the Documents for the period of any patent issued on the above-mentioned application with regard to which the Documents are presently submitted.

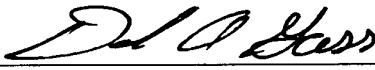
The petition to expunge is being submitted by the party in interest, Monsanto Company, St. Louis, MO, who originally caused the Documents to be submitted.

The Commissioner is therefore petitioned under 37 C.F.R. 1.59 to expunge the Documents IF THE DOCUMENTS ARE FOUND NOT TO BE IMPORTANT TO A REASONABLE EXAMINER IN DECIDING WHETHER TO ALLOW THE APPLICATION TO ISSUE AS A PATENT. The Applicants request that the evaluation of the importance of each document (and whether it may properly be expunged) be made individually.

The fee for this petition in the amount of \$ 130.00 according to 37 C.F.R. 1.17(h) may be charged to our Deposit Account No. 13-2855. A duplicate copy of this paper is enclosed.

Dated: December 1, 2006

Respectfully submitted,

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